

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION**

James D. Robertson, #5067,)	
)	
Petitioner,)	C/A No. 2:11-cv-00063-TMC-MGB
v.)	
)	
JON OZMINT, Commissioner,)	RESPONSE TO PETITIONER'S MOTION
South Carolina Department)	TO SUBSTITUTE COUNSEL
of Corrections,¹)	
)	
Respondent.)	
)	

On March 31, 2025, Petitioner moved to substitute counsel. (ECF No. 228). This court called for a response to be filed on or before April 4, 2025. (ECF No. 229). This response follows, and Respondent would respectfully show the Court:

1. Petitioner is currently represented by John H. Blume, Esq., Keir M. Weyble, Esq., and Emily Paavola, Esq. Petitioner has moved to relieve Mr. Blume and Mr. Weyble from appointment as they are currently employed out of state. In light of that fact, Petitioner asserts Mr. Blume and Mr. Weyble “lack both the time and logistical flexibility necessary to provide effective representation for the upcoming stages of Mr. Robertson’s case.” (ECF No. 228 at 2, ¶ 3). Respondent takes no position on the request and leaves the matter to the discretion of the court.

2. Petitioner acknowledges that 18 U.S.C. § 3599 does not require additional attorneys be appointed, but even so, requests that the Fourth Circuit Capital Habeas Unit be

¹ Respondent in the status report of March 12, 2025, (ECF No. 225), brought to the attention of the court that should the court lift the stay and this action be allowed to proceed, it would be necessary to amend the caption to the current Director and Warden of Death Row: **Bryan P. Stirling**, Director, South Carolina Department of Corrections; and **Lydell Chestnut**, Deputy Warden of Broad River Correctional Secure Facility. Petitioners agree with that observation in the motion to substitute counsel. (ECF No. 228 at n.1).

appointed. (ECF No. 228 at 2). Petitioner adds that the unit directors “intend to assign this case to Teresa L. Norris.” (ECF No. 228 at 4 ¶7). Counsel for Respondent agrees with Petitioner that Ms. Norris has ample experience in capital matters and is currently counsel in *Torres v. Stirling*, 6:23-cv-04659, pending in this district. However, absent a conflict or limitation that should be raised, Respondent generally leaves the matter of appointment of counsel for petitioners to the court’s discretion. Having no information on any conflict or limitation regarding Ms. Norris’s possible appointment, Respondent, consequently, leaves the matter of appointment to the discretion of the court.

Respectfully submitted,

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s/Melody J. Brown

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ATTORNEYS FOR RESPONDENT

April 2, 2025.